

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ALBERT K. KWAN

V

Civil Action No.

SCENA WEBB  
DIRECTOR, INDUSTRY OPERATIONS  
BUREAU OF ALCOHOL, TOBACCO,  
FIREARMS AND EXPLOSIVES  
1521 FIRST AVE.  
SEATTLE, WA

BRIAN T. MORAN  
UNITED STATES ATTORNEY  
700 STEWART ST., SUITE 5220  
SEATTLE, WA 98101

MATTHEW G. WHITAKER  
ACTING U.S. ATTORNEY  
950 PENNSYLVANIA AVE. N.W.  
WASHINGTON, D.C. 20530

## **COMPLAINT**

*Albert K. Kwan v. Bureau  
of Alcohol, Tobacco,  
Firearms and Explosives*  
Case No.

## COMPLAINT4.wpd

Law Offices of Joseph R. Conte  
400 Seventh St., N.W., Suite 400  
Washington, D.C. 20004  
202.638.4100

Law Offices of Eric R. Stahlfeld  
145 S.W. 155<sup>th</sup> St., Suite 101  
Seattle, WA 98166  
206.248.8016

## Jurisdiction

1. This Court has jurisdiction of this matter pursuant to 18 U.S.C. §923(f)(3).
  2. Plaintiff Albert K. Kwan is a U.S. citizen who lives in Bellevue, Washington within the Western District of Washington.
  3. Defendant Bureau of Alcohol, Tobacco, Firearms and Explosives (hereinafter ATF) is a federal agency involved in the regulation of the sale and purchase of firearms.

## Facts

4. On June 13, 2017, Albert K. Kwan of Bellevue, Washington (Applicant) filed an Application for Firearms License, ATFE Form 7 dated May 15, 2017, as a Dealer in Firearms other than Destructive Devices pursuant to the Gun Control Act of 1968 (GCA), as amended, 18 U.S.C. Chapter 44, with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).
  5. The GCA mandates that ATF issue a Federal firearms license to qualified applicant. 18 U.S.C. §923(c); 27 C.F.R. §478.47(a).
  6. On March 14, 2018,, Justin Lomax, Acting Director, Industry Operations, Seattle Field Division issued a Notice to Deny Application for License, ATF Form 4498 to the Applicant.
  7. By letter dated March 23, 2018, the Applicant timely submitted a request for a hearing to review that Notice.
  8. The hearing was held on September 12, 2018, at the ATF Seattle Field Division office
  9. On December 10, 2018, the ATF issued its Final Notice of Denial of Application, Revocation, Suspension and/or Fine of Firearms License ATF Form 5300.13.
  10. Plaintiff respectfully requests, pursuant to 18 U.S.C. §923(f)(3), a *de novo* review by this court of the determination referenced in paragraph 9 of this complaint, plus such other relief that the plaintiffs may be entitled to.

*Albert K. Kwan v. Bureau  
of Alcohol, Tobacco,  
Firearms and Explosives*  
Case No.

## COMPLAINT4.wpd

Law Offices of Joseph R. Conte  
400 Seventh St., N.W., Suite 400  
Washington, D.C. 20004  
202.638.4100

Law Offices of Eric R. Stahlfeld  
145 S.W. 155<sup>th</sup> St., Suite 101  
Seattle, WA 98166  
206.248.8016

1       /s/ *Eric R. Stahlfeld* \_\_\_\_\_  
2 Eric R. Stahlfeld  
3 Counsel for Albert K. Kwan  
4 Law Office of Eric Stahlfeld  
5 145 S.W. 155<sup>th</sup> St., #101  
Seattle, WA 98166  
Phone: 206.248.8016  
Email: [stahlfelde@aol.com](mailto:stahlfelde@aol.com)

1       /s/ *Joseph R. Conte* \_\_\_\_\_  
2 Joseph R. Conte  
3 Counsel for Albert K. Kwan  
4 Law Office of J.R. Conte  
5 400 Seventh St., N.W., #206  
Washington, D.C. 20004  
Phone: 202.638.4100  
Fax: 202.628.0249  
Email: [dcgunlaw@gmail.com](mailto:dcgunlaw@gmail.com)

10  
11 **DEFENDANT WILL BE SERVED VIA CERTIFIED MAIL:**  
12

13 U.S. Attorney General Matthew G. Whitaker  
U.S. Department of Justice  
14 950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

15 U.S. Attorney Brian T. Moran  
16 United States Attorney's Office  
700 Stewart Street, Suite 5220  
17 Seattle, WA 98101-1271

18 Scena Webb  
19 Director, Industry Operations  
Seattle Field Division  
20 1521 First Ave. South, Suite 600  
Seattle, WA 98134

21  
22  
23  
24  
25  
26  
27  
28  
  
*Albert K. Kwan v. Bureau  
of Alcohol, Tobacco,  
Firearms and Explosives*  
Case No.

COMPLAINT4.wpd

Law Offices of Joseph R. Conte  
400 Seventh St., N.W., Suite 400  
Washington, D.C. 20004  
202.638.4100

Law Offices of Eric R. Stahlfeld  
145 S.W. 155<sup>th</sup> St., Suite 101  
Seattle, WA 98166  
206.248.8016